

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

EVE WEXLER, individually and on )  
behalf of a class, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SIMMONS BANK, )  
 )  
Defendant. )  
 )  
 )

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Civil Action No.  
1:22-cv-02741-AT-CMS

**CONSENT MOTION FOR 21-DAY EXTENSION OF TIME FOR  
DEFENDANT SIMMONS BANK TO RESPOND TO THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Defendant Simmons Bank (“Simmons” or “Defendant”) respectfully requests, with the consent of Plaintiff Eve O. Wexler (“Wexler” or “Plaintiff”), an additional 21-day extension of time, through and including Wednesday, October 5, 2022, to file an answer, motion or other responsive pleading in this action. In support of this Consent Motion, Simmons shows the Court as follows:

1. Wexler filed her putative Class Action Complaint (“Complaint”) in this action on July 12, 2022. (Doc. 1.)

2. The Complaint contains complex allegations regarding the ownership and servicing of Plaintiff's Home Equity Line of Credit. (Doc. 1 at ¶¶ 3 – 20.) The Complaint purports to allege wrongdoing on behalf of two presumably nationwide classes of "borrowers," which she alleges contains "at least hundreds of class members" each.<sup>1</sup> (*Id.* at ¶¶ 49 - 52.)

3. Simmons previously received an initial extension through September 14, 2022 to file an answer, motion or other responsive pleading. (Doc. 6.)

4. Simmons now respectfully requests an additional three weeks to continue to investigate the allegations in the Complaint, discuss a potential resolution with Plaintiff's counsel, evaluate jurisdictional issues, and prepare the appropriate filings.

5. Simmons's counsel talked to Plaintiff's counsel on September 12, 2022, and Plaintiff's Counsel indicated that she consents to this Motion.

WHEREFORE, Defendant Simmons Bank respectfully requests an additional 21-day extension of time through and including October 5, 2022 to answer, move,

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<sup>1</sup> Simmons does not admit that any of the allegations are correct and reserves its right to assert all available defenses to Plaintiff's claims, including the purported putative class claims and all jurisdictional-based defenses.

plead, object, or otherwise respond to Plaintiff's Complaint. A proposed order is attached for the Court's convenience.

Respectfully submitted this 13th day of September, 2022.

**PARKER, HUDSON, RAINER &  
DOBBS, LLP**

/s/ Scott E. Zweigel

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*Local Counsel for Defendant Simmons  
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Application for admission *pro hac vice*  
to be filed

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*Lead Counsel for Defendant Simmons  
Bank*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing **CONSENT MOTION FOR EXTENSION OF TIME FOR DEFENDANT SIMMONS BANK TO RESPOND TO THE COMPLAINT** using the Court's CM/ECF system, which will send electronic notification of such filing to all counsel of record.

This 13th day of September, 2022.

/s/ Scott E. Zweigel  
Scott E. Zweigel